



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 21, 2000

Ms. Christine Segawa
Law Offices of W.M. J. Simon
4333 Orange Street, Suite 2
Riverside, CA 92501

RE: MUR 5015
Lincoln Club of Riverside County
and Kathleen A. Daley, as treasurer

Dear Ms. Segawa:

On September 14, 2000, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(i),(ii),(iii) and (iv), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the initial civil penalty payment is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, appearing to read "Clinett Short".

Clinett Short
Paralegal Specialist

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5015
Lincoln Club of Riverside County and)
Kathleen A. Daley, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Lincoln Club of Riverside County and Kathleen A. Daley, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(i), (ii), (iii) and (iv).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Lincoln Club of Riverside County is a political committee within the meaning of 2 U.S.C. § 431(4), and is not an authorized committee of any candidate.
2. Kathleen A. Daley is the treasurer of Lincoln Club of Riverside County.

3. a. In any calendar year in which a regularly scheduled general election is held, all political committees that choose not to file on a monthly basis shall file quarterly reports which shall be filed no later than the 15th day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(4)(A)(i).

b. The Act requires that a pre-election report be filed no later than the 12th day before any election in which the committee makes a contribution to or expenditure on behalf of a candidate and which shall be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(A)(ii).

c. The Act also requires that all political committees shall file a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election. 2 U.S.C. § 434(a)(4)(A)(iii).

d. In any other calendar year, a report covering the period beginning July 1 and ending December 31 shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv).

4. Respondents opted to file quarterly reports for the 1998 calendar year.

5. Respondents failed to file timely the 1997 Year End Report. Respondents were required to file the Year End Report no later than January 31, 1998. Respondents filed the 1997 Year End Report on February 1, 1999, 366 days late, disclosing receipts of \$20,227.97 and disbursements of \$9,294.56.

6. Respondents failed to file timely the 1998 April Quarterly Report. Respondents were required to file the April Quarterly Report no later than April 15, 1998. Respondents filed the 1998 April Quarterly Report on February 1, 1999, 292 days late, disclosing receipts of \$4,212.29 and disbursements of \$6,687.51.

7. Respondents failed to file timely the 1998 July Quarterly Report. Respondents were required to file the July Quarterly Report no later than July 15, 1998. Respondents filed the 1998 July Quarterly Report on February 1, 1999, 201 days late, disclosing receipts of \$18,593.21 and disbursements of \$12,771.21.

8. Respondents failed to file timely the 1998 October Quarterly Report. Respondents were required to file the October Quarterly Report no later than October 15, 1998. Respondents filed the 1998 October Quarterly Report on February 1, 1999, 109 days late, disclosing receipts of \$12,289.17 and disbursements of \$20,560.49.

9. Respondents failed to file timely the 1998 12 Day Pre-General Report. Respondents were required to file the 12 Day Pre-General Report no later than October 22, 1998. Respondents filed the 1998 12 Day Pre-General Report on February 1, 1999, 102 days late, disclosing receipts of \$1,500 and disbursements of \$4,636.28.

10. Respondents failed to file timely the 1998 30 Day Pre-General Report. Respondents were required to file the 30 Day Post-General Report no later than December 3, 1998. In lieu of filing a 1998 30 Day Post-General Report, Respondents filed two 1998 Year End Reports on February 1, 1999: one with the coverage dates of 10/18/98-12/31/98 and the other with the coverage dates of 11/24/98-12/31/98. There was a gap in coverage dates from 10/15/98-10/17/98. The activity for the 30 Day Post-General Report disclosed approximately \$3,997.86 in receipts and \$9,583.55 in disbursements. The 30 Day Post-General Report was filed 60 days late.

11. Respondents contend that their failure to file six reports on a timely basis was a result of a partnership dissolution dispute in which information was intentionally or negligently destroyed, damaged, or corrupted and was subsequently inaccessible. Respondents further

contend that since 1986, when Respondents Kathleen A. Daley, became treasurer, the only time reports have not been timely filed was the period covering the six reports as issue.

V. Respondents failed to file timely the 1997 Year End, 1998 April Quarterly, July Quarterly, October Quarterly, 12 Day Pre-General and 30 Day Post-General Reports in violation of 2 U.S.C. § 434(a)(4)(A)(i), (ii), (iii) and (iv).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Eight Thousand Eight Hundred Dollars (\$8,800.00), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

1. Initial payment of \$2,800 due thirty (30) days after the date on which the Conciliation Agreement is fully executed.
2. Thereafter, beginning thirty (30) days after the date of the initial payment, 6 consecutive monthly installment payments of \$1,000 each;
3. Each installment shall be paid within thirty (30) days after the previous payment;
4. In the event that any installment payment is not received by the Commission within five days of the date it is due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof

has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.


IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:


Lois G. Zerner
Associate General Counsel

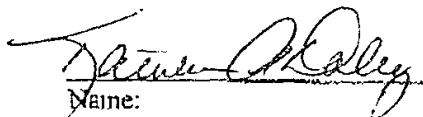
Date

9/20/00

FOR THE RESPONDENTS:

Name:

Position:



Date

8-18-00